

Pennsbury Township

138-1 SUBDIVISION AND LAND DEVELOPMENT

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ARTICLE I General Provisions

138-1. Short title and effective date.

This chapter shall be known as the "Pennsbury Township Subdivision and Land Development Ordinance of 1982." This chapter shall become effective five days after its enactment.

138-2. Purpose.

This chapter is designed in accordance with the Municipalities Planning Code, Act 247,1 the Pennsbury Township Comprehensive Plan of 1981, and Chapter 162, Zoning, for the following purposes:

- A. To assist in the orderly, efficient, and integrated development of land in accordance with the Comprehensive Plan;
- B. To promote, protect, and facilitate public health, safety and welfare of the community;
- C. To assure sites suitable for building purposes and human habitation;
- D. To facilitate efficient movement of people and goods;
- E. To ensure coordination and conformance of subdivision and land development plans with improvement plans of the Township, whether they be traffic circulation, community services, etc.;
- F. To provide a systematic and uniform procedure for reviewing plans to ensure equitable processing of all subdivision and land development proposals; and
- G. To promote relationships between land use and building design that facilitate the conservation of energy resources.
 1. Editor's Note: See 53 P.S.

138.3. Interpretation.

In interpreting and applying the provisions of this chapter, all requirements shall be held to be minimum requirements for promoting the above mentioned purposes. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinances or regulations, the more restrictive regulations shall be controlling.

138.4. Authority.

The Board of Supervisors for Pennsbury shall have the authority to regulate subdivision and land development within the Township by enacting this Subdivision and Land Development Ordinance. This is in accordance with the provisions of the Municipalities Planning Code, Article V, Section 50P .

138-5. Jurisdiction.

The Board of Supervisors shall have jurisdiction of subdivision and land development within the Township. In order that the actions of the Board of Supervisors under this Subdivision and Land Development Ordinance may be correlated with all relevant data and procedures, the Board of Supervisors hereby designates the Township Planning Commission as the agency of the Board of Supervisors.

- A. All plans submitted to the Board of Supervisors or receiving agent within the Township shall be referred to the Planning Commission for review.
- B. The Planning Commission shall make recommendations to the Board of Supervisors concerning plan approval, disapproval, modification, and reasons for such determinations.
- C. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation or the granting of modifications to provisions and standards of this chapter.

ARTICLE II Terminology

138-6. Word usage.

As used in this chapter, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The word "may" is permissive; and words "shall" and "will" are mandatory.

138-7. Definitions.

In this chapter, except where context clearly indicates otherwise, the following words and phrases have the meanings indicated:

ACCELERATED EROSION - The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

ACT - The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 P.S.10101, et seq. (Act No. 247), as amended from time to time.

ALLEY - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

APPLICANT - A landowner or developer or his authorized agent including his heirs, successors and assigns, as hereinafter defined, who has filed an application for subdivision or land development.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Amended 6-4-1990]

AUTHORITY - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945." [Amended 6-4-1990]

BLOCK - A tract of land bounded by streets, or by a combination of streets and public lands rights-of-way, waterways, or boundary lines of the Township.

BOARD - The Board of Supervisors of Pennsbury Township.

BUFFER - A strip of land, .a mound, or a berm, planted and maintained in shrubs, bushes, trees, grass, or other ground cover material and within which no structure shall be located. Additionally, a wall, fence or similar architectural screen shall be considered when approved by the Board.

BUFFER AREA - An area which is landscaped and maintained as required in or maintained in a natural state adjacent to a property boundary, not containing any structures except for those permitted in

BUFFER PLANTING STRIP - A strip or area of land within the required buffer area which is landscaped with trees and shrubs and maintained as required in the applicable Zoning District regulations.

BUILDING - Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

BUILDING SETBACK LINE - A line established within a lot, measured from the street right-of-way line and parallel thereto, defining the minimum distance in which no building may be constructed. In the case of an interior lot not fronting a street for its full width, the building setback line shall be a line parallel to the property line nearest the street right-of-way defining the minimum distance in which no building may be constructed.

CARTWAY - The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection of the center lines of the traveled ways.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a development designed and intended for the use or enjoyment of residents of the development, excluding streets, off-street parking areas, areas set aside for public facilities and private yards. It must be substantially free of structures, but may contain such improvements as are in the subdivision or development plan as finally approved and are appropriate for residents' recreation. [Amended 2-22-2000 by Ord. No. 2000-1]

CONDOMINIUM - A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 19804 .

CONSTRUCTION - The alteration of the building material or existing land surface, to include the cutting of trees or earthmoving activities in anticipation of land development or the erection of structures and for incidental improvements thereon.

CONTINUOUS VISUAL BUFFER - A visually impenetrable screen when planted or constructed, created through the effective use of perennial plant materials, fencing, walls and/or earth sculpting or berms.

CRITICAL ENVIRONMENTAL AREAS - Areas identified and described in the Comprehensive Plan and Open Space Provisions,s including: flood hazard and flood fringe areas; prime agricultural soils; steep and very steep slopes; prime woodlands; low water yield areas; visually sensitive areas; historic and cultural sites and structures. [Amended 2-22-2000 by Ord. No. 2000-1] **Dbh** - The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

DESIGN STANDARDS - Minimum standards in the layout by which a subdivision or land development is developed.

DETENTION BASIN - A structure designed to retard surface runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

DEVELOPER - Any landowner or authorized agent of such landowner, or tenant of a landowner, who makes or causes to be made a subdivision of land or a land development, including improvements thereto.

DRAINAGE FACILITIES - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface water off streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land development or contiguous land areas.

DRIP LINE - A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

DRIVEWAY - A private vehicular and pedestrian access or right-of-way between a public or private street and a parking area within a lot or property. A driveway may be shared by not more than three lots, unless permitted under the terms of this chapter. Any driveway serving more than three lots, unless otherwise permitted under the terms of this chapter shall be deemed a private street. [Amended 11-16-1987; 12-15-1997 by Ord. No. 1997-7]

EARTHMOVING ACTIVITY - Activity resulting in the movement of earth or stripping of vegetative cover from the land. [Amended 2-22-2000 by Ord. No. 2000-1]

EASEMENT - A right-of-way granted for limited use of private land within which the owner of the property shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee. A.

EASEMENT, CONSERVATION - A voluntarily derived set of use restrictions placed upon the identified land area through which no positive or appurtenant rights are conveyed to the grantee.

ENGINEER, TOWNSHIP - A licensed professional engineer duly designated by Pennsbury Township to perform the duties of engineer as herein specified.

EROSION - The movement of soil by the action of wind or water.

FLOODPLAIN - The low areas adjoining and including a watercourse or other body of water (such as a pond, marsh or lake) within Pennsbury Township, which are subject to inundation by a flood having a frequency of recurrence of one in 100 years. The basis for delineation shall be prescribed in 162-54A of Chapter 162, Zoning.

GUARANTY, MAINTENANCE - Financial security which may be required of a developer by the Township prior to the Board of Supervisors accepting dedication of improvements following completion, to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Such security may include but is not limited to performance bonds, escrow agreements, surety agreements, or irrevocable letters of credit.

GUARANTY, PERFORMANCE - Any security which may be required of a developer by the Township in lieu of the completion of any improvements required as a conditions for final approval of the applicant's subdivision plan or land development plan. Such security may include but is not limited to performance bonds, escrow agreements, surety agreements, or

HEDGEROW - A line of plants that may occur naturally where seeds collect and are left undisturbed, such as along fence lines, property lines, or between fields, or that is specially planted, e.g., to act as a windbreak.

IMPERVIOUS SURFACE - Materials which are impenetrable and thus unable to absorb stormwater or other liquids. Areas such as buildings, structure and paved areas.

IMPROVEMENTS - Grading, paving, curbing, street lights and signs, landscaping, water mains, hydrants, sanitary sewer mains including laterals to the street right-of-way line, storm drainage lines, stormwater management structures, sidewalks, monuments and all other additions to the tract that are required by ordinance or necessary to result in a complete subdivision/land development in the fullest extent of the term.

IMPROVEMENTS, PUBLIC - Improvements, including but not limited to those contained in the definition of "Improvements," that are intended for dedication to the Township, either in fee or by easement.

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water two or more acres in extent. Ponds are bodies of water less than two acres in extent. [Added 7-6-1993]

LAKE AND POND SHORELINES - The landside edges of lakes and ponds from the established shoreline to an upland boundary. Lake and pond shorelines shall be measured 100 feet from the spillway crest elevation. [Added 7-6-1993]

LAND DEVELOPMENT [Amended 6-4-1990] - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land. The following activities are excluded under the definition of land development:
 1. The conversion of an existing single-family detached dwelling or single family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 2. The addition of an accessory building, including farm buildings on a lot or lots subordinate to an existing principal building; or
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or

areas used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded areas have been approved by proper authorities.

LANDOWNER - For purposes of this chapter, the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee if he is authorized under the lease to exercise the rights of the landowner; or other person having a proprietary interest in land.

LANDSCAPED AREA - That portion of a tract or lot in which plantings and other features have been installed in accordance with the provisions for landscaping in 138-41 of this chapter. The landscaped areas includes: the buffer planting strip those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like; and plantings within a buffer area.

LANDSCAPE IMPROVEMENT - The addition of features to the land which enhance a particular site from the standpoint of noise abatement, recreational enjoyment, wildlife preservation, visual amenity, and the like. Such improvements might include plantings, pathways, patios, fences, water features and berms.

LANDSCAPE PLAN - A plan for the installation and maintenance of plantings, prepared according to the provisions of 138-41 of this chapter.

LANE, ACCELERATION OR DECELERATION - A lane adjacent to the primary cartway and attached thereto for use only by vehicles entering, leaving or crossing a lane of forward travel without interrupting the flow of traffic.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Amended 6-4-1990]

LOT AREA - The area of land included within the title lines of a lot. The following shall not be included when determining the minimum of lot area calculated for development. [Amended 2-22-2000 by Ord. No. 2000-1]

- A. Any land lying within the Flood Hazard District as defined herein.
- B. Area within the title lines set aside as right-of-way for a street, public or private utilities and all areas of easements, including but not limited to storm drainage easements, sewage easements and easements of access.
- C. Any land containing slopes in excess of 25%, providing that compliance with this Subsection C shall not be required if the proposed lot is three acres or more.

LOT, CORNER - A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection on the side lot lines within the street lines intersect at an interior angle of less than 135°. [Amended 2-22-2000 by Ord. No. 2000-1]

LOT, INTERIOR - A lot not having frontage on or abutting a public or private street. [Added 12-15-1997 by Ord. No. 1997-7]

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on a major thoroughfare and local street and with vehicular access solely from the latter.

MARKER - A metal pipe or pin of at least 1/2 inches diameter and at least 24 inches in length.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, and other similar vehicles which are placed on a site more than 180 consecutive days. [Amended 6-4-1990; 2-22-2000 by Ord. No. 2000-1]

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. [Amended 6-4-1990]

MOBILE HOME PARK - A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Amended 6-4-1990; 2-22-2000 by Ord. No. 2000-1]

MONUMENT - A tapered permanent survey reference point of stone or concrete having a square top four inches on each side with a length of at least 24 inches and a base the same shape as its top, put two inches larger in dimension. A stone monument shall have a copper or brass dowel plug embedded in the center of its top surface and a concrete monument shall have a vertical reinforcing bare cast integrally in its vertical center and contain a 1/4 foot diameter depression in the center of its top surface.

PLAN -

- A. AS-BUILT - A corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.
- B. CONSERVATION - A plan to accompany preliminary and final plan submissions detailing stream channels, tree masses, and other natural features, and measures to protect the same and control erosion and sedimentation during construction.
- C. FINAL - A complete and exact land development or subdivision plan prepared by an engineer, or surveyor registered in the Commonwealth of Pennsylvania, defining property lines, proposed streets, drainage facilities, easements, and other improvements, and which is to be recorded upon approval.
- D. IMPROVEMENT CONSTRUCTION - A plan prepared by an engineer registered in the Commonwealth of Pennsylvania, showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required by these regulations, and including a horizontal plan, profiles, and cross-sections.
- E. PRELIMINARY - A land development or subdivision plan prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania, in lesser detail than a final plan, showing approximate property lines, proposed streets, drainage facilities, easements, and other improvements, for consideration prior to preparation of a final plan.
- F. PROFILE - A plan prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania shown in the vertical section of the existing grade and proposed grade along the center line of any proposed street, and any street appurtenance to be constructed or installed, which must include a typical cross-section of the street construction; part of the required submission for an improvement construction plan.
- G. SKETCH - A plan submitted for review and discussion prior to application for preliminary plan approval not necessarily to exact scale, indicating location of stream channels, tree masses, and other natural features and a general layout of the proposed subdivision or land development.

PLANNING COMMISSION - The Planning Commission of Pennsbury Township.

PLAT - The map or plan of a subdivision or land development whether preliminary or final.

PUBLIC GROUNDS - Includes: [Amended 6-4-1990] A. B. Parks, playgrounds, trails, paths and other recreational areas and other public areas; Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and c. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Pennsbury Township Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code or this chapter. [Amended 6-4-1990]

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act". [Amended 6-4-1990] PRIVATE STREET - A local street, serving four or more lots, that is not offered or required to be offered for dedication. [Amended 11-16-1987]

PROFESSIONAL LANDSCAPER - An individual or agency trained and experienced in matters pertaining to vegetation, forestry, and/or landscape design.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. [Amended 6-4-1990]

RESERVE STRIP - A parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties, or from another street.

RESUBDIVISION - A change in the map of an approved or recorded subdivision plan if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Any resubdivision, other than a minor lot line adjustment, will constitute a new subdivision.

RETENTION BASIN - Serves the same purpose as a detention basin, except holds water at all times; uses freeboard available for detention volume during storm; and has potential to improve water quality by allowing for settlement of particulate pollutants. [Added 2-22-2000 by Ord. No. 2000-1]

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purpose. **SEDIMENT** - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

SEWAGE FACILITIES - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

- A. **INDIVIDUAL SEWAGE SYSTEM** - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of this commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.
 - 1. **INDIVIDUAL ON-LOT SEWAGE SYSTEM** - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.
 - 2. **INDIVIDUAL SEWERAGE SYSTEM** - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.
- B. **COMMUNITY SEWAGE SYSTEM** - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
 - 1. **COMMUNITY ON-LOT SEWAGE SYSTEM** - A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface soil absorption area or retaining tank.
 - 2. **COMMUNITY SEWERAGE SYSTEM** - A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.
- C. **PUBLIC SEWAGE SYSTEM** - An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.
- D. **SMALL FLOW TREATMENT FACILITIES** - An individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.

SHADE TREE - A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this chapter.

SHADOW ANALYSIS - A graphic representation of shadows cast by mature landscaping, screening, and structures, plotted with regard to topography, slope, and direction at 9:00 a.m., noon, and 3:00 p.m. on the date of Winter Solstice.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

- A. **OBJECT SIGHT DISTANCE** - Shall be measured from a point 4.5 feet above the centerline of the road surface to a point 0.5 feet above the centerline of the road surface.
- B. **VEHICLE SIGHT DISTANCE** - Shall be measured from a point 4.5 feet above the centerline of the road surface to another point 4.5 feet above the centerline of the road surface.

SOIL PERCOLATION TEST - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SOLAR ENERGY - Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

SOLAR SKYSCAPE - The space between a given location and the sun which must remain unobstructed between 9:00 a.m. and 3:00 p.m. mean solar time (Winter Solstice) in order to permit sufficient solar energy to impinge on that location to allow efficient solar utilization.

SPECIMEN TREE - A unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance, or any other characteristics which may be designated as such by the Township.

STATUTORY REVIEW PERIOD - The length of time cited in the Pennsylvania Municipalities Planning Code (Act 247, as amended) required for the municipal review of preliminary and final plans for subdivision and land development; currently 90 days for review of each plan officially submitted.

STEEP SLOPE - Those areas of the Township where the slope exceeds 15% as defined by Article XV of Chapter 162, Zoning.

STORMWATER - Water which surfaces, flows, or collects during and subsequent to rain or snowfall.

STREET - A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service street, and road or similar terms. Types of streets include the following: [Amended 2-22-2000 by Ord. No. 2000-1]

- A. **ARTERIAL (MAJOR)** - A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- B. **COLLECTOR STREET** - A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to arterial streets and/or a street used for access to nonresidential properties, i.e., commercial, industrial, professional, etc.
- C. **CUL-DE-SAC STREET** - A local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.
- D. **LOCAL STREET** - A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- E. **MARGINAL-ACCESS STREET** - A local street parallel and adjacent to an arterial street, (but separated from it by a reserve strip) which provides access to abutting properties.
- F. **PRIVATE STREET** - A local street, serving four or more lots, that is not offered or required to be offered for dedication.
- G. **SINGLE-ACCESS STREET** - A local street or streets, including but not limited to cul-de-sac and loop designs, which has only one point of intersection with an existing Township or state road or with a proposed road having more than one access point.

STRUCTURE - An assembly of material having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including among other things, buildings, signs, fences, or walls over four feet in height, aerials, and

antennae, porches, platforms, piers, pipelines, paddle tennis courts, and telephone poles. For Flood Management purposes, a structure shall include a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For flood insurance coverage purposes, a structure shall include a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. [Amended 2-22-2000 by Ord. No. 2000-1]

SUBDIVIDER - Any individual, co-partnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined by the regulations, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided.

SUBDIVISION[Amended 6-4-1990] - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot liens for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

- A. **MAJOR** - Any subdivision of land into four or more lots and/or requiring the installation of public improvements.
- B. **MINOR** - A subdivision in which:
 - 1. No street is to be constructed or widened;
 - 2. Any other improvements that requires a bond or escrow as a performance guaranty is to be constructed;
 - 3. No earthmoving activities will take place except those normal to construction of a single-family dwelling on each lot; and
 - 4. No more than three lots are created.

SURVEYOR - A licensed surveyor registered in the Commonwealth of Pennsylvania. **TOWNSHIP** - The Township of Pennsbury.

TREE - Any woody perennial plant usually having one main stem or trunk and a crown, growing to a height of 10 feet or more at maturity.

TREE MASS - Areas, groves, or stands of trees covering an area greater than 1/4 acre.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks. [Amended 2-22-2000 by Ord. No. 2000-1]

WATER SUPPLY -

- A. **INDIVIDUAL SYSTEM** - A safe, healthful, and adequate supply of water to a single user from a private well on the lot of the user.
 - 1. All improvements within the tract undergoing subdivision or land development;
 - 2. The improvement of adjacent public facilities, including street and drainage facilities which border upon the tract; and
 - 3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development.

CENTRAL WATER SUPPLY SYSTEM - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site.

WETLANDS MARGIN - The transitional area extending from the outer limit of the wetland. For the purposes of this chapter, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of the hydric soils shall be as mapped in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1963, unless reclassified by a certified soil scientist. [Added 7-6-1993]

WOODED LOT or WOODLANDS - A lot or portion thereof 1/4 acre or greater in area, having more than one viable tree of a caliper of six inches or greater per 1,000 square feet of lot area. [To determine if an area is considered a wooded lot, the total area of the land in question (in square feet) shall be divided by 1,000. If the number of viable trees of a diameter of six inches or greater equals or exceeds the result from the division above, the area in question is considered a wooded lot.]
[Amended 2-22-2000 by Ord. No. 2000-1]

ARTICLE III Subdivision and Land Development Control

- A. No lot, tract or parcel of land will be subdivided, and no land will be developed, and no street, alley, sanitary sewer, storm sewer, water main or concomitant facility will be laid out, constructed, opened or dedicated for public use or travel, or for the use of occupants of buildings abutting or to abut on them, except according to the provisions of this chapter and Chapter 162, Zoning, as amended.
- B. No lot in a subdivision may be sold, no permit to build, alter or repair any building on land in a subdivision or land development may be issued, and no buildings may be erected in a subdivision or land development plan until and final subdivision or land development plan has been approved and, where required improvements have been completed or their completion has been assured by a corporate surety bond or the deposit in escrow of funds or securities sufficient to cover the cost of the required improvements as estimated by the Township Engineer.
- C. No section of this chapter shall be constructed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act.
- D. The scope of this chapter shall include all matters over which, by law, the Township is authorized to exercise control by enactment and enforcement of this Subdivision and Land Development Ordinance, including but not necessarily limited to:
 - 1. All improvements within the tract undergoing subdivision or land development;
 - 2. The improvement of adjacent public facilities, including street and drainage facilities which border upon the tract; and
 - 3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development

ARTICLE IV Procedure

138-9. General.

Hereafter, all preliminary and final subdivision or land development plans shall be reviewed by the Township Planning Commission and the County Planning Commission and shall be approved or disapproved by the Board of Supervisors in accordance with the procedure specified in this chapter. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations.

- A. All subdivision applications shall be, for the purposes of procedure, classified as either minor or major. Reference should be made to 138-7 for their meaning.
- B. Landowners submitting an application for subdivision or land development shall apply for and secure approval in accordance with the following procedures: [Amended 7-6-1993]
 - 1. Minor subdivision.
 - a. Sketch plan (recommended).
 - b. Final plan (required).
 - 2. Major subdivision.
 - a. Sketch plan (recommended).
 - b. Preliminary plan (required).
 - c. Final plan (required).
 - 3. Land development.
 - a. Sketch plan (recommended).
 - b. Preliminary plan (required).
 - c. Final plan (required).
- C. All plans and surveys, with the exception of sketch plan submissions, shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers and Professional Land Surveyors Registration Law 1o ." [Added 6-4-1990; amended 7-6-1993]

138-10. Submission to Chester County agencies.

Plans shall be submitted by the Township Secretary to the following agencies for review:

- A. Chester County Planning Commission. One print of all plans, referral letters and sufficient fee to cover the cost of review shall be submitted to the Chester County Planning Commission for their review and comment.
- B. Chester County Health Department. If a preliminary plan is submitted as hereinafter provided, two additional prints shall be submitted to the Chester County Health Department for review of matters relating to adequacy of the site to sustain on-site water and/or sewage disposal system. One additional print of the final approved plan shall be submitted to the Chester County Health Department.
- C. Chester County Conservation District. One print of preliminary plans shall be submitted to the Chester County Soil and Water Conservation District for review of matters relating to drainage and abatement of soil erosion.
- D. The applicant shall submit such additional prints of all plans as may be necessary for forwarding by the Township to the said county agencies for their review.
- E. Where, by law, submission to a Chester County agency is not mandatory, the Township, in its sole discretion, may elect to waive submission to anyone or more of the county agencies.
- F. The Township may solicit reviews and reports from adjacent municipalities and other governmental agencies affected by the plans. [Added 6-4-1990]

138-11. Submission of sketch plan. [Amended 7-6-1993]

The sketch plan is an optional submission which is offered to provide the applicant with the opportunity to discuss the proposed project with the Township on an informal basis. The applicant for a proposed major subdivision or land development is strongly encouraged to submit a sketch plan before the preparation of the preliminary plan and formal application for approval. Applicants for minor subdivisions are also encouraged to submit sketch plans prior to preparation of a formal plan submittal.

- A. Submitted sketch plans shall only be for informal discussion between the applicant and the Planning Commission. Submission of a sketch plan does not constitute submission of an application for approval of a subdivision or land development and shall not commence the statutory review period, as required by Section 508, Act 247, as amended.
- B. The applicant is also encouraged to submit the sketch plan to the Chester County Planning Commission for an informal review of the plan. The Township Planning Commission, at its discretion, may submit the sketch plan to the Chester County Planning Commission for review and comment.
- C. For information purposes, 10 copies of the sketch plan are recommended and should be submitted to the Township Secretary for distribution to the Planning Commission and the Board of Supervisors.
- D. In the event that the plan requires changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating, or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the applicant is strongly urged to consult with the Chester County Conservation District prior to or concurrently with submission of the sketch plan, in order to ensure that the proposed subdivision or land development will be compatible with the conservation plan to be submitted.

138-12. Review of sketch plan. [Amended 7-6-1993]

- A. The Planning Commission shall, at a meeting with the applicant, consider the appropriateness of the proposed subdivision or land development in regard to existing site conditions, the proposed design or lot layout, potential environmental impacts, proposed resource protection measures, consistency with the Township comprehensive plan, and compliance with the criteria contained in this chapter and with other applicable ordinances of the Township. Based on this meeting, the Planning Commission may submit its comments to the applicant and the Board.
- B. The applicant may, but need not, request further review of the sketch plan by the Board. If further review is requested, the Board may:
 - 1. Consider the sketch plan and the written or other comments of the Planning Commission;
 - 2. Meet with the applicant;
 - 3. Advise the applicant as to the Board's comments with respect to the sketch plan; and
 - 4. At its sole discretion, schedule and conduct a public hearing to consider the application.

138-13. Submission of preliminary plan.

The preliminary plan shall conform to the most recent administrative regulations adopted by the Board of Supervisors for such purpose.

- A. Prints of the preliminary plan and all required supplementary data shall be initially and officially submitted to the Township Secretary, together with the required fees as prescribed by resolution of the Board. The Township Secretary shall note the date of receipt and shall transmit such plans to the Board of Supervisors, the Township Planning Commission, the county agencies, the Township Engineer, and other such persons or agencies as the Board of Supervisors shall determine.
- B. Official submission of a preliminary plan to the Township Secretary shall consist of:
 - 1. Three copies of the application for review of preliminary subdivision or land development plan.
 - 2. A sufficient number of prints of the preliminary plan and all supporting plans and information to enable proper distribution and review of the plans, as required by the Board.
 - 3. Payment of subdivision application fees and deposit of escrow for plan reView cost.
- C. A review of the plan will not commence, nor the ninety-day time period begin until the completion of the above items is acknowledged.
- D. Upon receipt of the above, the Township Secretary shall forward one copy of the application for review, eight prints of the preliminary plan and eight prints of all other required plans to the Township Planning Commission; one print of the preliminary plan to each of the Chester County agencies; three prints of the preliminary plan and three prints of all other required plans to the Township Board of Supervisors; and one print of all other required plans to the Township Engineer; one print of the preliminary plan and the stormwater management and water supply plans to the Fire Company of the jurisdiction, retaining all other data in the Township files.

138-14. Review of preliminary plan.

- A. Township Planning Commission.

1. The Township Planning Commission shall review the plan and the recommendations of the county agencies and the Township Engineer, should such recommendation be made.
 2. After such review, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons therefor, citing specific sections of the statutes or ordinances relied upon, to the following:
 - a. Township Supervisors.
 - b. The applicant.
- B. Board of Supervisors.
1. When a preliminary plan has been officially submitted to the Board of Supervisors by the Planning Commission, such plan shall be placed on its agenda for review and action.
 2. In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Township Engineer, the Planning Commission, the Chester County Planning Commission and all other reviewing agencies, and comments from public hearings, if any, to determine its conformance to existing ordinances. The Board may alter any subdivision or land development plan and specify conditions, changes, modifications, or additions thereto, which it deems necessary, and may make its decision to grant preliminary approval subject to such conditions, changes, modifications or additions. Notwithstanding the foregoing procedure, the Board shall render a decision of all preliminary plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the day the application has been filed. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision, or the end of the said ninety-day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Codell .
 3. Any condition imposed by the Board as part of its written approval shall be deemed accepted by the applicant unless the applicant files a written rejection of the condition within 15 days following the written decision of the Board. In the event that the applicant does file a written rejection of any condition within the fifteen-day period, then the Board's approval of the plan shall be automatically rescinded. [Added 6-4-1990]

138-15. Submission of final plan.

- A. Within one year after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township Secretary.
- B. The final plan shall conform to the most recent administrative regulations adopted by the Board of Supervisors for such purposes.
- C. The Board of Supervisors may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan, provided that the first final plan section shall be submitted within the said one-year period, and the last final plan section shall be submitted within three years of preliminary plan approval.
- D. Failure to make timely submission of final plans renders void preliminary plan approval, and the applicant shall be required to file a new application and fee for preliminary plan approval.
- E. Official submission of the final plan to the Township Secretary shall consist of:
 1. Three copies of the application for review of final subdivision or land development plan.
 2. A sufficient number of prints of the final plan and all supporting plans and information to enable proper distribution and review of the plans.
- F. Prints of the final plan and all required supplementary data shall be initially and officially submitted to the Township Secretary. After the required fees and escrow deposits have been paid, the Township Secretary shall note the date of receipt and shall then forward eight prints of the final plan to the Township Planning Commission; one print of the final plan to each of the Chester County agencies; three prints of the final plan and one copy of the application for final review to the Township Board of Supervisors, one print of the final plan to the Township Engineer, and one print to the local Fire Company.

138-16. Review of final plan.

- A. Township Planning Commission.

1. The Planning Commission shall review the plan and the recommendations of the county agencies, the Township Engineer and any other reviewing agencies.
 2. After such meeting, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons thereof, citing specific sections of status or ordinances, to the following:
 - a. Board of Supervisors.
 - b. Applicant
- B. Board of Supervisors.
1. When a written report on a final plan has been officially returned to the Board of Supervisors by the Planning Commission, such plan shall be placed on the agenda of the Board of Supervisors for review.
 2. Upon receipt of the Planning Commission's recommendation and other supporting information, the Board may, at one or more regular or special public meetings, review the final plan and shall within the time limitations set forth herein below, either approve or disapprove the plan. Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the day the application has been filed. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision or the end of the said ninety-day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code 13 .
 3. Sets of prints of the final plan as finally approved, with the appropriate endorsement of the Board of Supervisors and the Township Engineer, shall be distributed as follows:
 - a. At least three sets of plans, two of which shall be recorded in accordance with 138-19, to the subdivider.
 - b. One set of plans to the Township Planning Commission.
 - c. One set of plans to the County Planning Commission.
 - d. One set of plans to the County Health Department.
 - e. One set of plans to be retained in the Township files.
 4. Any condition imposed by the Board as part of its written approval shall be deemed accepted by the applicant unless the applicant files a written rejection of the condition within 15 days following the written decision of the Board. In the event that the applicant does file a written rejection of any conditions within the fifteen-day period, then the Board's approval of the plan shall be automatically rescinded. [Added 6-4-1990]
- C. Every final approval shall be subject to the following conditions:
1. That the landowner shall execute a subdivision and land development agreement in accordance with 138-17.
 2. The landowner shall execute a performance guaranty or escrow agreement in accordance with 138-18, where applicable.
 3. The landowner agrees if requested to tender a deed of dedication to the Township for streets, any and all easements for sanitary sewers, water lines or storm sewers and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations and other appurtenance as shall be constructed as public improvements and as are required for the promotion of. public health, safety and welfare, after all streets, sidewalks, sewers and the like are completed and such completion is certified as satisfactory by the Township Engineer. The Board may require that the applicant supply a Title Insurance Certificate from a reputable company before any property is accepted for the Township.
 4. Whenever the landowner is required to provide open space as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the landowner and the Township, and shall run to the benefit of the Township and lot purchasers in the subdivision of land development. [Amended 2-22-2000 by Ord. No. 2000-1]
 5. The submission to the Township of all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as Pennsylvania Departments of Transportation and Environmental Protection, Public Utility Commission and Chester County Health Department

138-17. Subdivision and land development agreement.

- A. That the owner agrees that he will lay out and construct all roads, streets, lanes or alleys together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space and restricted areas, erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that he shall complete these improvements within the time or times specified by the Board of Supervisors.
- B. That the owner guarantees completion and maintenance of all improvements by means of a corporate surety bond or deposit of funds or government securities in escrow or irrevocable letter of credit acceptable to the Township.
- C. That the owner agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer.
- D. Whenever a developer proposes to establish or continue a street which is not offered for dedication for public use, the Board of Supervisors shall require the developer to submit, and also to record with the plan, a copy of an agreement made with the Township Supervisors on behalf of himself and his heirs and assigns, and signed by him, and which shall establish any conditions under which the street may later be offered for dedication, and shall stipulate among other things.
 - 1. That an offer to dedicate the street shall be made only for the street as a whole.
 - 2. That the Township shall not be responsible for repairing or maintaining any undedicated streets.
 - 3. That the method of assessing repair and maintenance costs of undedicated streets be stipulated, and shall be set forth in recorded deed restrictions so as to be binding on all successors or assigns.
 - 4. That if dedication be sought, the street shall conform to the Township specifications or that the owners of the abutting lots shall, at their own expense, restore the street to conformance with the Township specifications.

138-18. Performance guaranties.

- A. A. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all subdivision improvements (including both public and private improvements) and common amenities, including but not limited to streets and roads, walkways, curbs, gutters, street lights, shade trees, stormwater detention and/or retention facilities, pipes and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings and except as provided for in 138-18C hereof, water mains and other water supply facilities, fire hydrants and sanitary sewage disposal mains and other sewage disposal facilities. [Amended 6-4-1990]
 - 1. Financial security required herein shall be in the form of a federal or commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible bonding company or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said conduct business within the commonwealth, and shall stipulate that it submits to Pennsylvania jurisdiction and Chester County revenue in the event of legal action.
 - 2. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements for which such security is being posted within one year of the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.
 - 3. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed in the Commonwealth of Pennsylvania and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount

- not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. [Amended 6-4-1990]
4. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. [Added 6-4-1990]
- B. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
 - C. If water or sanitary sewer lines, or both, along with apparatus of facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulation of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
 - D. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated costs of the aforesaid improvements. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board of Supervisors his independent evaluation of the proper amount of partial releases.

138-19. Recording of final plan. [Amended 8-6-2001 by Ord. No. 2001-3]

Within 90 days of final approval, or the date the approval of the Board of Supervisors is noted on the plan, whichever is later, the final plan shall be recorded by the applicant in the office of the Recorder of Deeds of Chester County.

ARTICLE V Plan Requirements

138-20. Sketch plan. [Amended 7-6-1993]

The sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission and the Board as to the intended use and arrangement of a proposed subdivision and land development. The sketch plan shall be clearly and legibly drawn.

- A. A. Scale.
 - 1. A scale of either 50 or 100 feet to an inch is recommended to facilitate preliminary and final plan preparation. In the event that the tract contains more than 100 acres, it is recommended that the sketch plan be drawn to a scale no less than 200 feet per inch.
 - 2. While precise dimensions are not required, the plan shall be clearly labeled "Sketch Plan."
- B. Data. The content of a sketch plan shall be at the discretion of the applicant; however, it is recommended that as a minimum, the following information be included to assist in plan discussions and classification:
 - 1. Name and address of the owner/applicant/developer.
 - 2. Name and address of the applicant's engineer, surveyor, planner, architect, or landscape architect, if applicable.
 - 3. Approximate tract boundaries.
 - 4. Location and size of tract, zoning district, and any applicable overlay districts.
 - 5. North arrow, scale (written and graphic), and date.
 - 6. Streets on and adjacent to the tract, properly named and identified.
 - 7. Location of existing structures within 100 feet of the tract.
 - 8. Site analysis plan in accordance with 138-21C of this chapter.
 - 9. Proposed general lot, street, and building layout.
 - 10. Proposed average lot size, as a note on the plan.
 - 11. In the case of land development plans, proposed general layout, including building locations, parking lots, any other planned construction, and open spaces.
 - 12. Proposed phasing, if proposal is to be a staged development.

138-21. Preliminary plan. [Amended 7-6-1993]

The following materials shall be submitted for consideration as the preliminary plan for subdivision or land development.

- A. Drafting standards.
 - 1. The preliminary plan shall be drawn at a scale of 50 feet to the inch, or 100 feet to the inch if the average size of the proposed lots or plan is five acres or larger.
 - 2. Preliminary plans shall be on sheets not larger than 34 inches by 44 inches overall. As far as practicable, plan sheets shall be held to the following overall sizes: 17 inches by 22 inches, 22 inches by 34 inches, 34 inches by 44 inches. B.
 - 3. If the preliminary plan requires more than one sheet, a key map showing the relative location of the sections shall be included. The scale of such a key map shall not be less than 200 feet to the inch.
 - 4. Dimensions shall be set in feet and decimal parts thereof, bearings in degrees, minutes, and seconds. Errors of closure shall not be more than one part per 10,000.
 - 5. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
 - 6. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
 - 7. The boundary line of the subdivision shall be shown as a solid heavy line.
 - 8. Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the currently proposed features. Notations of revisions shall be dated.
- B. General information. The preliminary plan shall include the following information as a minimum:
 - 1. Title block, including:
 - a. Name of the proposed subdivision or land development or other identifying title.
 - b. Name of the municipality in which the tract is located.

- c. Date on which the plan was prepared including all revisions, their location, and a description of each.
 - d. Name, address, license number, seal, and signature of the registered civil engineer, surveyor, architect, or landscape architect who certified the plan.
 - e. Name and address of the applicant's land planner, if applicable.
Statement identifying the plan to be a preliminary plan.
 - f. Scale of the plan, both written and graphic.
2. A location map drawn at a scale of not less than 800 feet to the inch, showing the relationship of the tract to surrounding properties, roads, and watercourses within

1000 feet of any part of the property. In addition, the name and town or village, or the approximate distance to the nearest existing street, shall be shown.

- 3. Tract boundaries with Tax Parcel number(s) and approximate acreage(s)
- 4. Existing Township zoning regulations applicable to the tract including district designation, lot area, building setback lines, and dimensional requirements, as a note on the plan. Zoning boundaries that traverse or are within 300 feet of the tract including flood hazard and other applicable overlay districts.
- 5. Names of owners of all properties and names of subdivisions adjacent to the tract.
- 6. North arrow.
- 7. An approval block for signatures (see Appendix D)
- 8. Notarized signature of the landowner's awareness of the proposed subdivision or land development.
- 9. Name and address of the landowner.
- 10. The name and address of the applicant/equitable owner/developer.
- 11. Average lot size, as a note on the plan.
- 12. Proposed method of water supply and sewage disposal, as a note on the plan.
- 13. A statement or certificate by the applicant indicating that the plans are or are not in conformance with engineering, zoning, building, sanitation, and other applicable Township ordinances and regulations, and if they are not so conforming, the reasons for requesting an exception.
- 14. Where the preliminary plan covers only part of the applicant's entire holdings, a sketch of the prospective future street system for the remainder of the holdings. This plan shall be retained in the Township file of the approved plan.

C. Site analysis plan.

- 1. The applicant shall identify all of the following site features, as applicable, on a single plan map, or maps, depending on the tract size and scale of the drawing. The site analysis plan shall be labeled such and shall be placed on a sheet separate from all other required plan information. The site analysis plan shall include the following:
 - a. Complete boundary survey of the property to be subdivided or developed, showing all courses, distances, and area and tie-ins to all adjacent intersections. Indicated. Approximate location of well sites should be indicated.
 - b. Contour lines at vertical intervals of not more than two feet for land with average natural slope of 8% or less, and at intervals of not more than five feet for land with average natural slope exceeding 8%.
 - c. Degree of slope in the following ranges: 0% to 15%, 15% to 25%, and greater than 25%. The location of these slopes shall be graphically depicted by category on the plan.
 - d. Areas within the Flood Hazard District, as defined in 162-58 of Chapter 162, Zoning, including floodway fringe, and approximated floodplain areas as delineated in the Flood Insurance Study for Pennsbury Township prepared by the Army Corps of Engineers for the Federal Emergency Management Agency, dated November 20, 1996, or the most recent version thereof. [Amended 2-22-2000 by Ord. No. 2000-1]
 - e. All alluvial soils.

- f. Watercourses, both perennial and seasonal.
 - g. Lakes and ponds and lake and pond shorelines, as defined in this chapter.
 - h. Drainage basins and sub-basins.
 - i. Wetlands, as inventoried by the U.S. Fish and Wildlife Service for the National Wetlands Inventory and any other known surveying wetlands on the site.
 - j. Wetlands margins, as defined in this chapter.
 - k. High groundwater areas, as identified by the location of soils with seasonal or perennial high water table, as mapped in the Soil Survey of Chester and Delaware Counties.
 - l. Generalized soil types as mapped in the Soil Survey of Chester and Delaware Counties, including and highlighting those hydric soils listed in Appendix GIS.
 - m. Generalized geological characteristics, including rock formation type(s) and locations of fault zones. .
 - n. Areas within the Groundwater Protection District as defined in 162-55A of Chapter 162, Zoning.
 - o. Existing vegetation denoted as to type, including tree masses, tree lines, and hedgerows; individual freestanding trees over six-inch caliper dbh; wetland vegetation; meadows, pasture, or cropland; orchard; cultivated and ornamental garden areas, etc.
 - p. All existing buildings, towers, sewers, water mains, culverts, petroleum products or gas mains, fire hydrants, and other significant man-made facilities on the tract.
 - q. The location, and where applicable, the dimensions of existing easements, rights-of-way, public lands, and utility lines.
 - r. All existing streets on or immediately adjacent to the tract, including name, legislative route or Township designation, right-of-way width, and cartway width.
 - s. Location of all existing monuments.
 - t. Historic resources; including but not limited to those resources indicated on Map 3, Significant Historic Sites, of the Township Comprehensive Plan such as structures, ruins, sites, traces, and relationship to the bounds of any National Register Historic District.
 - u. Existing paths and trails.
 - v. View sheds, both internal and external, as defined by ridgelines, and including a delineation by the use of symbols of all areas and site visible features including trees, hedgerows, historic resources, stream valleys, and meadows.
 - w. Known hazardous sites, dumps, underground tanks, active and abandoned wells, quarries, landfills, and artificial land conditions.
 - x. Wildlife habitats.
2. The site features identified as per Subsection C(1), above, shall be shown on plan map(s) in order to determine the locational relationship of identified site features to development as proposed, including proposed structures, roads, driveways, parking areas, stormwater management facilities, recreation facilities, sewer and water lines or facilities, change to natural grade, and vegetation removal.

D.Site design and layout plan.

- 3. Layout and dimensions of proposed lots including:
 - a. Area of each proposed lot.
- b. Building envelope showing setback lines and yard area requirements.
- c. The location of all percolation tests and test pits reviewed by the County Department of Health shall be indicated on each proposed lot.
 - 2. Location, right-of-way width, cartway width, and names of all proposed streets within the subdivision.
 - 3. Clear sight triangles at all proposed subdivisions.
 - 4. Parcels of land to be dedicated or reserved for nonresidential use, including a statement of the intended use of all nonresidential lots, and a statement of restrictions of any type which will exist as covenants in the deed(s) for all nonresidential lots.
 - 5. Location, if any, of all parks, playgrounds, and any other areas or buildings dedicated or reserved for public use, with any conditions governing such use.
 - 6. Preliminary land development plans shall show proposed building locations, parking lots, provisions for access and traffic control, locations of loading docks, and provisions for the landscaping and lighting of the site where applicable.

7. . For multiple-family developments, the total area of the tract, total impervious coverage, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and floor area, yard space, and recreation space for each plan section.
8. Where off-site water service is proposed, the preliminary design of water distribution facilities, including the size and location of water mains, fire hydrants, storage tanks, and, where appropriate, wells or other water sources.
9. Where on-site water service is proposed, documentation as to an adequate supply should be indicated. Approximate location of well sites should be indicated.
10. Where off-site sewer service is proposed, the preliminary design of sewage systems including but not limited to the location and grade of sewers, pumping stations, force mains, and where applicable, sewage treatment facilities, showing the type and degree of treatment intended and the size, capacity, and location of treatment facilities.
11. Where on-site sewage disposal systems are proposed, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Soil test sites and the approximate location of the system should be indicated.
12. All plans shall be accompanied by completed sewage facilities planning modules for land development provided by DER as called for in 138-43, including complete test pit and percolation test information for each proposed lot.
13. If land to be subdivided lies partly in an adjacent municipality, the applicant shall submit information concerning the location and design of streets, layout and size of lots, and provisions of public utilities on land subject to his control within the adjacent municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of review of this information by the appropriate officials of the adjacent municipality shall also be submitted.
14. A statement describing proposed public improvements including streets, curbs, and stormwater inlets and means of water supply and sewage to be provided.

E. Improvement construction plan. The improvement construction plan shall contain sufficient information to provide working plans for the layout and construction of proposed streets, utilities, stormwater retention structures, and other improvements. The improvement construction plan shall include, but not be limited to, the following:

1. Horizontal plan for streets showing details of the horizontal layout, including:
 - a. Centerline with bearings, distances, curve data, and stations corresponding to the profile.
 - b. Right-of-way and curb lines with radii at intersections.
 - c. Beginning and end of proposed construction.
 - d. Tie-ins by courses and distances to intersection of all public roads, with their names and widths.
 - e. Location of all monuments with reference.
 - f. Property lines and ownership of abutting properties and their zoning districts.
 - g. Location and size of all drainage facilities, sidewalks, public utilities, fire hydrants, lighting standards, and street name signs.
2. Horizontal plan for storm drains and sanitary sewers.
 - a. Location and size of line with stations corresponding to the profile.
 - b. Location of manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
 - c. Property lines and ownership, with details of easements where required.
 - d. Beginning and end of proposed construction.
 - e. Location of laterals.
 - f. Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.
 - g. Hydraulic design data and calculations for storm sewers, inlets, culverts, and or bridge structures.
3. A profile plan indicating final grades of streets and sewers and the extent of cut and fill operations.
 - a. The profile plan shall show the vertical section of the existing grade and proposed grade along the centerline of the proposed street. Where storm drainage and/or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.
 - b. The horizontal scale on the profile plan shall be not less than one inch equals 100 feet and the vertical scale shall not be less than one inch equals 10 feet or in cases where larger scales are used, the ratio shall be I: 10 vertical to horizontal.

- c. A typical cross-section of street construction shall be shown on the profile plan and shall indicate the following
 1. Right-of-way width and the location and width of paving within the right-of-way.
 2. Type, thickness and crown of paving.
 3. The location, width, type, and thickness of curbs and sidewalks to be installed, if any.
 4. Grading of sidewalk area.
 5. Typical location, size, and depth of an underground utilities that are to be installed in the right-of-way where such information is available.

F. Conservation plan. The conservation plan shall include the following information:

1. The site features required in 138-21C(1) above shall be shown on the conservation plan in order to determine their relationship with proposed development on the site.
2. Location and elevation to which contour elevations refer; where reasonably feasible, the datum used, shall be a known established benchmark.
3. Location and results of soil percolation tests whenever on-site disposal of sewage is planned.
4. Notations indicating:
 - i. All trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or land development plan, together with reasons for such clearing;
 - ii. All proposed alterations of the natural grade, whether by cut or by fill, exceeding two feet, together with reasons for such alteration;
 - iii. Compliance with all applicable erosion and sedimentation control standards;
 - iv. How the plan will comply with the landscape protection requirements of 138-41 of this chapter.
5. Stormwater management and erosion control. A required element of the conservation plan shall be a plan for the management of stormwater, including the control of erosion and sedimentation during the course of site preparation or any other land disturbance. Any preliminary and final plan for subdivision or land development must be accompanied by a stormwater management plan; contents of the submitted plan shall reflect discussion by the applicant with the Township Engineer. The plan shall, at a minimum, comply with the standards and criteria contained in 138-42 of this chapter. The minimum components of the plan shall include the following information:
 - i. Information required in 138-21F(1) through (4).
 - ii. A narrative summary of the project, including:
 2. Description of existing site conditions, stormwater conditions and flow, and off-site considerations effecting existing or future conditions on the site.
 3. Description of the nature of the proposed site development and improvements and how the stormwater management system will meet the design standards and criteria outlined in 138-42 of this chapter.
 4. Complete design calculations and construction specifications in accordance with the terms of 138-42B of this chapter.
 - iii. Proposed earth moving, grading, permanent stormwater management facilities, and temporary erosion and sedimentation control facilities. Such information shall include:
 2. Proposed alterations to the project area including changes to land surface and vegetative cover, areas of cut and fill, structures, roads, paved areas, and buildings.
 3. Finished contours at intervals as described in 138-21C(1)(b) above.
 4. Proposed stormwater control facilities.
 - iv. The staging of earthmoving activities including:
 2. Cover removal, including all cuts and fills.
 3. Installation of erosion and sediment control facilities and practices.
 4. Installation of improvements, including streets, storm sewers, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational facilities, and other structures.
 5. Program of operations to convert erosion and sedimentation controls to permanent stormwater management facilities, including a chart of the relative time sequence of activities.
 - v. Temporary control measures and facilities for use during earthmoving, in both map and narrative form including:
 2. Purpose.

3. Temporary facilities or other soil stabilization measures to protect existing trees and shrubs from earthmoving activities in accordance with 138-41 of this chapter.
4. Types, locations, and dimensioned details of erosion and sedimentation control measures and facilities.
5. Design considerations and calculations of control measures and facilities.
6. Facilities to prevent tracking of mud by construction vehicles onto existing roadways.
- vi. Permanent stormwater management program (indicating, as appropriate, measures for ground water recharge) and facilities for site restoration and long-term protection, in both map and narrative form, including:
- vii.

1. Purpose and relationship to the objectives of this chapter.

2. Establishment of permanent vegetation or other soil stabilization measures.
3. Installation of infiltration facilities, rooftop storage, cisterns, seepage pits, French drains, etc., to serve structures.
4. Use of semipervious materials for driveways, parking areas, etc.
5. Types, locations, and dimensioned details of storage and conveyance.
6. Location of wells and septic tank leach fields.
7. Design considerations and calculations supporting the stormwater management program.
- viii. A narrative description of the maintenance procedures for both temporary and permanent control facilities, and of ownership arrangements, including:

1. The methods and frequency of removal of, and ultimate disposal site for, sediment and other materials removed from control facilities, both during and upon completion of the project.

2. The proposed ownership and financial responsibility for maintenance of the permanent control facilities.

- g. Preliminary landscape plan, as stipulated in 138-41C of this chapter.
- h. Preliminary lighting plan, meeting the requirements in 162-78G of Chapter 162, Zoning.
- i. Wastewater treatment and disposal feasibility report.
 - a. The report shall include the complete sewage facilities planning modules as provided by DER including complete site testing information.
 - b. The report shall demonstrate the adherence of the plan to 138-43 of this chapter.
 - c. The report shall evaluate individual on-lot sewage system as the preferred technology for single-family detached dwellings on lots one acre or greater, site conditions permitting, unless the official sewage facilities plan calls for a different alternative.
 - d. Where the installation of a community sewage system is proposed, the report shall begin the evaluation of alternatives with technology of Subsection I(4)(a)[I] below, and continue the evaluation in alphabetical sequence. The most preferred feasible alternative, as agreed to by the Township, DER and the applicant shall be the selected technology.
 - i. Alternatives shall be evaluated in the following order of preference as established in the Pennsbury Township Wastewater Policy and Management Document:
 1. Lagoon/pond system/slow rate land application (i.e., spray irrigation).
 2. Community aerobic unit/slow rate land application (i.e., spray irrigation).
 3. Community septic tank with sand filter to subsurface disposal.
 4. Community aerobic unit with sand filter to subsurface disposal.
 5. Community tertiary treatment with discharge to groundwater.
 6. Community aerobic treatment unit with spray irrigation of treated effluent in summer months and stream discharge of treated effluent in winter months.
 7. Community aerobic system with sand filter to stream discharge.
 8. Transport to existing wastewater treatment plant.
6. The report shall evaluate the alternatives considering the Township wastewater policies as established in the Pennsbury Township Wastewater Policy and Management Document and shall state how the selected alternative will support the stated policies.

7. The Township reserves the right to require the applicant, or to hire a consultant at the applicants cost, to evaluate additional wastewater treatment and disposal alternatives in addition to the one proposed if it is believed that a technology more consistent with municipal wastewater and land use planning policies is feasible.
8. The Township reserves the right to require the implementation of a system other than the one proposed if it means long-term environmental protection and/or economic savings to the Township and/or customers of the system.
9. The report shall include a detailed breakdown of operation and maintenance costs for the proposed system to demonstrate the estimated yearly cost per unit served.
10. The report shall be prepared by a registered professional engineer and be submitted with the preliminary plan for review and recommendation by the Township Engineer and/or Wastewater Consultant and the local office of DER.
11. Where community sewage systems utilizing surface or subsurface disposal of wastewater effluent is proposed, preliminary hydrogeologic and permeability testing will be required as part of the report.
12. The report shall contain engineering and cost data, evaluations and recommendations sufficient to enable the Township to evaluate the reasons for or against providing the development with various means of waste disposal.

138-22. Final plan. [Amended 7-6-1993]

- d. Final plans for subdivision and land development shall conform in all important details with preliminary plans as reviewed by the Board, including any conditions specified as a result of preliminary plan review.
- e. When a plan submission meets the definition of a minor subdivision, as defined in 138-7 of this chapter, certain plan requirements may be waived at the discretion of the Planning Commission. The applicant proposing a minor subdivision is encouraged to discuss these plan requirements with the Board of Supervisors at the sketch plan stage or prior to the official final plan submission.
- f. Final plan submission shall consist of and be prepared in accordance with the following requirements:
 1. Drafting standards.
 - i. The drafting standards of 138-21A shall apply.
 - ii. The subdivision or land development plans submitted for review for final approval shall be clear and legible black or blue on white prints of the drawings. Upon completion of review, and for the signature of the Board, clear reproducible prints for all plans shall be submitted. Space shall be provided for signature by the Board on the face of the plans. General information.
 2. General information as required in 138-21B shall apply.
 3. Site analysis plan. Site analysis plan information as required by 138-21C shall apply consistent with the terms of preliminary plan approval and modified as necessary to reflect the proposal for final approval.
 4. Site design and layout plan. The following information relating to the proposed layout shall be shown on the plan:
 - i. Information required in 138-21D consistent with the terms of preliminary plan approval and modified as necessary to reflect the proposal for final approval.
 - ii. The plan for lots within a subdivision shall show the proposed house locations, the proposed driveway locations if known, and names of all streets. House numbers shall be assigned throughout the Township.
 - iii. Where on-site water service is to be provided, documentation as to an adequate supply should be indicated. Approximate locations of well sites should be indicated.

(d) where on-site sewage disposal systems are to be provided, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Soil test sites and approximate location of the system should be indicated.

(e) Where off-site sewer service is to be provided, the final design of all facilities, including but not limited to sewer mains, manholes, pumping stations, and sewage treatment facilities.

(f) Where off-site water service or central water supply is to be provided:

1. The final design including location and size of all water service facilities within the subdivision shall be shown including wells, storage tanks, pumps, mains, valves and hydrants.
2. The plan shall contain a statement that placement of fire hydrants, if required, and the components of the system have been reviewed by the Fire Marshall and that both are compatible with the fire fighting methods and equipment utilized by the local fire company.

(g) Location of permanent reference monuments, in accordance with 138-49 of this chapter.

(h) The final plan for a land development shall show:

1. Proposed building locations;
2. Location and size of parking lot;
3. Provisions for access and traffic control;
4. Locations of loading docks; and
5. Provisions for landscaping and lighting, in accordance with the provisions of 138-22G and H.

(i) The plan shall be in conformance with the requirements of Chapter 162, Zoning. Final plans shall show sufficient information so that conformity to zoning and subdivision design standards is demonstrated.

G) Where subdivision of land is proposed as a part of land development because of the creation of mortgages, encumbering less than the entire tract, the final plan shall be submitted showing the proposed division of property including easements for access to all parcels not fronting on public roads.

(5) Improvement construction plan, as stipulated in 138-21C of this chapter and consistent with all conditions of preliminary plan approval.

(6) The final conservation plan, as stipulated in 138-21F of this chapter and consistent with all conditions of preliminary plan approval.

(7) Final landscape plan, meeting the requirements in 138-41C of this chapter.

(8) Final lighting plan, meeting the requirements in 162- 78G of Chapter 162, Zoning.

(9) Drawings of any proposed sign(s) in accordance with 162-76K of Chapter 162, Zoning.

(10) Approvals, certificates, and documents.

- a. Certification by the engineer, land surveyor, landscape architect, or land planner who prepared the plan that the plans are in conformity with zoning, building, sanitation, and other applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- b. A certification of ownership which shall be lettered on the plan, and shall be duly signed by the owner(s) of the property and notarized.
- c. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Township solicitor as to their legal sufficiency.
- d. A copy of such private deed restrictions, easements or other restrictions as may be imposed by the developer upon the property as condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be satisfactory to the Board of Supervisors.
- e. Such certification of approval (or of preliminary approval) by authorities of the state as may be required by the Board or by this chapter.
- f. If applicable, contract for street light installation for approval by the Township.
- g. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law, 16 " before driveway access to a state highway is permitted. [Added 6-4-1990]